

REMARKS

Claims 1-6, 8-17, 19-22 and 24-37 are all the claims pending in the application, claims 7, 18 and 23 being canceled herein.

Claims 1-37 are rejected.

Claims 17-35 are rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter.

Claims 1-3, 5-8, 10-19, 21-24, 26-32, and 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski (US 2002/0188959) in view of Blackketter (US 6,415,438).

Claims 4, 9, 20, 25, 33, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski in view of Blackketter and further in view of the Real-Time Streaming Protocol Specification (RFC 2326).

Telephone interviews

Applicant thanks the Examiner for the courtesies extended during the interviews of March 5, 2009 and March 12, 2009.

Rejections under § 101

During the telephone interview, the Examiner agreed amended claims 17, 22, and 33 are statutory under § 101.

Rejections under § 103

Claims 1-3, 5-8, 10-19, 21-24, 26-32, and 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski (US 2002/0188959) in view of Blackketter (US 6,415,438).

The Examiner agreed in the interview that claim 1 distinguishes over the cited references. Specifically, the Examiner was persuaded that the amended claims recite real time broadcasting in a way that the references do not: Piotrowski and the other references send times in the future when broadcast is to begin. While the Examiner believes that RSTP and other protocols would continue to disclose real time broadcasting similar to what is claimed in claim 1, the Examiner does not believe that it has been used with the SMIL protocol in the prior art.

Applicant submits that Piotrowski and the other references fail to teach or suggest, alone or in combination, that, in combination with the other elements of the claim, the multimedia document is a synchronized multimedia integration language (SMIL) document. Similar arguments apply to independent claims 6, 16, 17, 22, 32 and 33, as well as the claims depending therefrom. At least for these reasons, Applicant submits that claims 1-6, 8-17, 19-22 and 24-37 are patentable over the applied references.

If the proposed claim amendments are not acceptable, we solicit your concerns and comments on the claims, so that we can formulate claims more acceptable to the client.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

AMENDMENT UNDER 37 C.F.R. § 1.111
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Respectfully submitted,

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